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Attorneys for Plaintiff SI Power, LLC

----- x SI POWER, LLC,

Plaintiff,

vs.

PATHWAY HOLDINGS MANAGEMENT V.,
LLC, a Delaware Limited Liability company, and
JAMES PLANTE,

Defendants.

----- x UNITED STATES DISTRICT COURT
: DISTRICT OF NEW JERSEY
: NEWARK VICINAGE
:
: Civil Action no.: 15-6101

**[PROPOSED] ORDER DENYING
DEFENDANTS' MOTION TO
DISMISS IN PART PLAINTIFF'S
COMPLAINT PURSUANT TO
FED. R. CIV. P.9(b) AND 12(b)(6)
AND DENYING DEFENDANTS'
MOTION TO TRANSFER
PURSUANT TO 28 U.S.C. §1404(a)**

----- x **ELECTRONICALLY FILED**

THESE MATTERS having come before the Court on the motion of counsel for Defendants for an Order (1) dismissing in part Plaintiff's Complaint pursuant to Fed. R. Civ. P. 9(b) and 12(b)(6) and (2) transferring this action to the United States District Court for the Southern District of California pursuant to 28 U.S.C. §1404(a); and the Court having considered the submission and arguments of counsel for Plaintiff and counsel for Defendants; and for good cause shown;

IT IS, on this _____ day of _____ 2015,

ORDERED that the foregoing motion to transfer pursuant to 28 U.S.C. §1404(a) be, and hereby is, DENIED; and it is further

ORDERED that the foregoing motion to dismiss, in part, Plaintiff's Complaint pursuant to Fed. R. Civ. P. 9(b) and 12(b)(6) be and is, DENIED with respect to Count Two, as against Defendant Pathway Holdings Management V, LLC; and with respect to Count Three, in its entirety.

A copy of this Order shall be served upon all parties within five (5) days of the date hereof.

HONORABLE ESTHER SALAS, U.S.D.J.